

see what the evidence is against him so that he and his attorney, if he has counsel, can adequately prepare for trial?

SENATOR V. JOHNSON: Yes.

SENATOR HOAGLAND: I mean there is really no reason not to extend it on down to those misdemeanors from your point of view, is there?

SENATOR V. JOHNSON: No, from my point of view there is no reason, Senator Hoagland. I think I said in my remarks that I was sensitive to the sensibilities of the Judiciary Committee and which felt that the discovery right....you see, right now the discovery right doesn't exist for the Class I misdemeanor, the Class II misdemeanor or the Class III misdemeanor and the committee recognized the need to extend the discovery that far but said that far and no further. And so I said if that would be the will of the committee I will support that.

SENATOR HOAGLAND: Do you personally think it is an unnecessary burden on the prosecutors or that the discovery request .....now this request has to be initiated by the defendant and keeping in mind most defendants aren't going to think to do it.

SENATOR V. JOHNSON: Right.

SENATOR HOAGLAND: But do you think it is going to lead to unnecessary and burdensome discovery requests that are going to prevent them from fulfilling their responsibilities otherwise?

SENATOR V. JOHNSON: I don't believe it will. I genuinely do not believe it will. I think that some prosecuting attorneys might argue that it would but I am simply not receptive to that argument.

SENATOR HOAGLAND: I have nothing further, Mr. President, thank you.

PRESIDENT: The Chair recognizes Senator Higgins.

SENATOR HIGGINS: Mr. President, would Senator Vard Johnson yield to a question? Senator Johnson, as you know, I am a layman. I am not an attorney. Senator Johnson, did the Supreme Court a number of years ago state that where a court issues a fine and the person is indigent, you cannot put them in jail if they don't have the money to pay the fine because it would be the same as debtor's imprisonment?